

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MARY PLUBELL, on behalf of herself)
and all others similarly situated,)
)
Plaintiffs,)
)
v.) Case No. 05-0831-CV-W-HFS
)
MERCK & CO., INC., a New Jersey,)
Corporation,)
)
Defendant.)

MEMORANDUM TO COUNSEL

Plaintiff's counsel urges me, by letter dated October 12, to rule her motion to remand in advance of her obligation to supply a notice of opposition to an MDL transfer order. For informational purposes I advise that, if I ruled today, I would remand for reasons developed in plaintiff's reply brief. (Doc. 18). The press of other business has limited my consideration of the briefing, however, and in fairness to defendant I will not grant the motion without further consideration. A ruling next week is anticipated.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

October 20, 2005

Kansas City, Missouri